

Appl. No.: 09/202,336
Filed: December 14, 1998
Page 7

REMARKS

Applicant and his undersigned attorney appreciate the courtesies extended by the Examiner during the recent telephonic interview. Each of the claims, namely, Claims 1 and 3-18, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,838,873 to Harold Blatter et al. in view of U.S. Patent No. 5,999,622 to Hiroshi Yasukawa et al. As discussed during the interview and as submitted herewith, each independent claim, that is independent Claims 1 and 9, has again been amended to further patentably distinguish the claimed invention from the cited references. In light of these amendments and the following remarks, Applicant respectfully requests reconsideration of this application and allowance of the amended set of claims.

As set forth by independent Claim 1, an apparatus for protecting electronically-published documents is provided in which a local computer system is adapted to call up, execute or output the electronically-published documents. In this regard, the local computer system includes local data storage mean for storing a representation of the electronically-published documents in a form that is not usable by a user. In this regard, the data storage means is adapted to store the electronically-published documents in a non-reconstructed and, in particular, a non-linear form. As amended, independent Claim 1 also recites that the local computer system includes means capable of receiving and processing additional protection data provided by an external data source by way of the internet in each session. Independent Claim 1 further recites that the local computer system insures that the communication between the local computer system and the external data source via the internet during each session, such as to obtain the additional protection data, is authenticated contact or at least temporary authenticated contact. Further, the local computer system includes linking means adapted to link the content of the local data storage means with the additional protection data in order to produce the electronically-published document in a form usable, meaningful or suitable for sensory perception by the user. As such, the linking means converts the non-reconstructed document into a reconstructed linear document that is usable by the user by utilizing the additional protection data. Finally, the local computer system includes output means for calling up, executing or outputting the document.

Appl. No.: 09/202,336
Filed: December 14, 1998
Page 8

Independent Claim 9 recites a comparable method in which document data is retrieved from a local data storage means which stores the document data in a non-reconstructed form, such as a non-linear form. Thus, the document is not stored locally in a form that is immediately usable, meaningful or suitable for sensory perception. Contact is also established and authenticated, at least temporarily, between a local computer system and an external data source via the internet to obtain additional protection data. The additional protection data is received in each session such that the readability or usability of the document is dependent, in each session, on authenticated contact or at least temporary authenticated contact between the local computer system and the external data source via the internet. The additional protection data is then linked to the content of the local data storage means to convert the document data to a form usable, meaningful or suitable for sensory perception by the user. Following its conversion, the document data is called up, executed or output.

With respect to rejection of the claims as being obvious over the Blatter '873 patent in view of the Yasukawa '622 patent, the Blatter '873 patent describes the downloading and storage of packetized datastreams. These packetized datastreams may be digital video, telephone messages, computer programs, internet data or the like. The packetized data may be encrypted. As such, encryption keys may be generated locally by the smart card system from encryption codes extracted from the input datastream. However, as discussed during the interview, the Blatter '873 patent does not teach or suggest that the local computer system includes means capable for receiving and processing additional protection data provided by the external data source by way of the internet in each session, as now recited by independent Claim 1. Likewise, the Blatter '873 patent does not teach or suggest receiving additional protection data from the external data source connected to the local computer system by way of the internet in each session, as recited by amended independent Claim 9. Instead, the encryption keys necessary to decrypt the packetized data are all provided locally by the Blatter system. In this regard, the smart card generates the encryption keys based upon encryption codes extracted from the input datastreams that have also been locally stored.

In this regard, the Official Action indicates that the smart card 130 of the Blatter '873 patent serves as the external data source and that the provision of additional protection data as

Appl. No.: 09/202,336
Filed: December 14, 1998
Page 9

recited by the claimed invention is akin to the generation of the encryption keys by the smart card of the Blatter '873 patent. As noted by the Official Action, however, the smart card does not provide the encryption keys or any other form of additional protection data by way of the internet as recited by the amended independent claims. As such, the Official Action cites the Yasukawa '622 patent for its use of the internet to protect the distribution of data files. In this regard, the Yasukawa '622 patent describes a method and an apparatus in which locally-stored, encrypted data is decrypted by means of an encryption key that may be provided by means of a modem, an internet connection, a satellite connection, etc.

As an initial matter, Applicant submits that the requisite motivation or suggestion to combine the Blatter '873 patent and the Yasukawa '622 patent is lacking. In this regard, the Blatter '873 patent suggests in column 1, lines 42-44 that the transmission of data that was subsequently utilized to reassemble packetized data was disadvantageous in that it reduced the communication bandwidth available for the program content. Thus, the Blatter '873 patent teaches away from the transmission of the encryption keys, especially the repeated transmission and encryption keys via the internet as suggested by the Yasukawa '622 patent. Applicant therefore submits that the Blatter '873 patent and the Yasukawa '622 patent cannot properly be combined.

Even if the references were combined, however, the combination of the references still would not teach or suggest the apparatus and method of amended independent Claims 1 and 9, respectively. In this regard, the combination of the Blatter '873 patent and the Yasukawa '622 patent still does not teach or suggest the transmission of additional protection data from the external data source to the local computer system by way of the internet in each session. In particular, the Blatter '873 patent fails to teach or suggest transmitting additional protection data via the internet in each session, while the Yasukawa '622 patent fails to teach or suggest transmitting additional protection data in each session. As such, even if the references were combined, the teaching by the Blatter '873 patent that the communication bandwidth allocated to the transmission of encryption keys should be reduced would suggest that the additional protection data provided by way of the internet in accordance with the Yasukawa '622 patent

Appl. No.: 09/202,336
Filed: December 14, 1998
Page 10

should be provided only once or a limited number of times, but not in each session as recited by amended independent Claims 1 and 9.

As also discussed during the interview, neither of the cited references teaches or suggests that the contact between the local computer system and the external data source via the internet be authenticated, as also recited by amended independent Claims 1 and 9. With respect to the Blatter '873 patent, one-time authentication may have occurred when a user obtained the smart card. However, authentication is not required during each subsequent use of the smart card and, as noted above, no internet connection is established, let alone an authenticated internet connection, during each session. Moreover, Applicant notes that smart cards are often utilized in applications in which anonymity, not authentication, is desired. Additionally, the Yasukawa '622 patent fails to teach or suggest any type of authentication. In this regard, the Yasukawa '622 patent does describe the submission of a credit card number and the verification of the validity of the credit card information in order to pay for the encryption key. However, the validation of a credit card account, such as by ensuring that the credit card account is open and has a sufficient credit limit to pay for the encryption key, does not authenticate the user as recited by amended independent Claims 1 and 9. As such, although Applicant submits that the Blatter '873 patent and the Yasukawa '622 patent cannot properly be combined as described above, even the combination of these references does not teach or suggest that authenticated contact is established between the local computer system and the external data source via the internet during each session as recited by the claimed invention.

For each of the foregoing reasons, Applicant submits that amended independent Claims 1 and 9, as well as the dependent claims that depend therefrom, are not taught or suggested by the cited references, taken either individually or in combination. As such, the rejection of the amended set of claims as being obvious over the Blatter '873 patent in view of the Yasukawa '622 patent is therefore overcome.

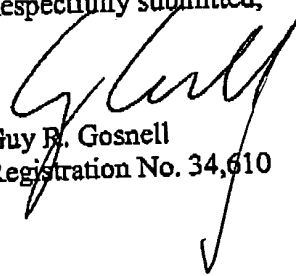
Appl. No.: 09/202,336
Filed: December 14, 1998
Page 11

CONCLUSION

In view of the amended claims and remarks submitted above, it is respectfully submitted that the amended set of claims is in condition for immediate allowance. Applicant therefore requests reconsideration of the present application to issuance of a Notice of Allowance. In the event that any additional issues arise, however, Applicant suggests that the Examiner contact Applicant's undersigned attorney to expedite the examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

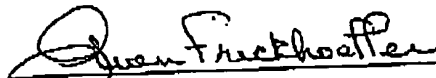
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